IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.34665 of 2008
1. RABINDRA KUMAR AZAD
2. Balmiki Kumar Bharti ..... Petitioners
Versus
STATE OF BIHAR
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2. 10.11.2008 Heard the learned Counsel for the petitioners and the learned counsel for the State.

The petitioners apprehend arrest in a Police case under Sections 25(1-B)A, 26, 27 and 35 of the Arms Act.

The submission is that the allegation of recovery of the fire arms is from co-accused Prvin Kumar Jha. Other co-accused have been enlarged on anticipatory bail by this Court in Cr. Misc. No. 12402 of 2008 and 12577 of 2008.

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The submission is that the petitioners are similarly situated as the two co-accused enlarged on anticipatory bail inasmuch as the weapons in question have been recovered not from the petitioners but from co-accused Pravin Kumar Jha.

The allegations are of the petitioners being members of an assembly, some of whom were armed, caused fire arm injuries, when they were chased by villagers, co-accused Pravin Kumar Jha was apprehended while others ran away. The allegations are that they indulged in unsocial activities in the village fair and had formed an association for such unlawful activities. Latter are aspects not considered in the orders of anticipatory bail to others.

In the facts and circumstances of the case this Court is not persuaded to grant them privilege of anticipatory bail on the submission that there has been recovery from other persons.

This application is rejected.

That the recovery has been effected from another who was a member of the assembly is an aspect to be appropriately considered in an application for regular bail without being prejudiced by the present order.

Snkumar/-

(Navin Sinha,J.)

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